

SENATE CHAMBER, }
AUSTIN, TEXAS, Friday, March 17, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Pyle, the reading of yesterday's journal was dispensed with.

Under direction of the President, the Secretary carried to the House, for signature, the following enrolled Senate bills:

Senate joint resolution No. 15, "Joint resolution instructing our Senators, and requesting our Representatives in Congress to urge upon Congress the passage of a bill for more secure and reliable postal telegraph facilities."

Senate joint resolution No. 24, "Joint resolution instructing our Senators and requesting our Representatives in Congress to use their exertions to effect the removal of bands of Comanche and Kiowa Indians to a point at least one hundred and fifty miles from the civilized settlements or organized counties in Texas."

Senate joint resolution No. 25, "Joint resolution respecting our postal service."

Senate bill No. 6, "An act to incorporate Paris Commercial College, Paris, Texas."

Senate bill No. 17, "An act to incorporate the Galveston Seamen's Home."

Senate bill No. 19, "An act to incorporate the Citizens' Savings Bank of Jefferson."

Senate bill No. 43, "An act to incorporate the Gonzales Agricultural and Industrial Association."

Enrolled bills signed by the Speaker, returned and signed by the President of the Senate.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Agricultural Affairs:

COMMITTEE ROOM,
AUSTIN, March 16, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Agricultural Affairs, to whom was referred Senate bill No. 244, entitled "An act to authorize the Gov-

ernor to offer a reward for the discovery of means to destroy the cotton caterpillar," have considered the same, and I am instructed to report it back to the Senate, and recommend that it do pass.

HENRY RAWSON,
Chairman.

Report read and laid over under the rules.

Report of Committee on Claims and Accounts:

COMMITTEE ROOM,
AUSTIN, March 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Claims and Accounts, to whom was referred a bill entitled "An act for the relief of of Jacob T. Chandler," have had the same under consideration, and I am instructed to report back the same and recommend that it do pass.

Respectfully,

HENRY RAWSON,
Chairman.

Bill reported by Committee: A bill (Senate bill No. 255) to be entitled "An act for the relief of Jacob T. Chandler."

Report and bill read first time and laid over under the rules.

Report of Committee on Public Lands:

COMMITTEE ROOM,
AUSTIN, March 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Public Lands, to whom was referred Senate bill No. 249, entitled "An act for the relief of John Hendricks," have considered the same, and I am instructed to report it back to the Senate and recommend that it do pass.

B. J. PRIDGEN,
Chairman.

Report read and laid over under the rules.

Report of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,
AUSTIN, March 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 250, have carefully considered the same, and instruct me to report it back and recommend the passage of the same. All of which is most respectfully submitted.

J. G. BELL,
Chairman.

COMMITTEE ROOM,
AUSTIN, March 15, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : The Committee on Roads, Bridges, and Ferries, to whom was referred Senate bill No. 232, entitled "An act to incorporate the Dallas and Kaufman East Fork Bridge Company," beg leave to report that they have carefully examined the same and respectfully recommend its passage.

JOHN G. BELL,
Chairman.

Reports read and laid over under the rules.

Message from the House by the Chief Clerk, transmitting for signature House bills enrolled as follows :

House bill No. 193, "An act to incorporate the Corpus Christi Navigation Company."

House bill No. 255; "An act to authorize James A. Nelms and Preston Owens to erect a toll bridge over Chambers' Creek, in the county of Navarro, Texas."

House bill No. 102, "An act to incorporate the city of Calvert, in Robertson county."

Enrolled bills signed by the President and returned to the House.

Also, informing the Senate the House had passed the following Senate bills: Senate bill No. 20, "An act to incorporate the Bank of Texas"

Senate bill No. 104, "An act for the relief of Geo. W. G. Browne, late Clerk of the Supreme Court of Texas."

Senate bill No. 135, "An act to be entitled 'an act for the employment of a Clerk in the Pension Bureau of the Comptroller's Office.'"

Senate joint resolution No. 27, "Joint resolution requesting our Representatives and Senators, in the Congress of the United States, to procure the passage of an act creating and establishing a Port of Entry at the city of Rockport, on Aransas Bay, in the county of Refugio, in this State."

Also, for concurrence, the following House bills: House bill No. 121, "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the Insane,' approved February 5, 1858." Read first time and referred to Committee on State Affairs.

House bill No. 131, "An act to incorporate the Gilmer Manufacturing Company." Read first time and referred to Committee on Internal Improvements.

House bill 148, "An act to incorporate the Hook and Ladder Com

pany No. 1, of the city of Bryan." Read first time and referred to Committee on State Affairs.

House bill No. 173, "An act to incorporate the Indianola Colored Benevolent Society." Read first time and referred to Committee on State Affairs.

House bill No. 174, "An act to incorporate the Houston Schuetzen Verein." Read first time and referred to Committee on State Affairs.

House bill No. 188, "An act to incorporate the officers and members of Humboldt Lodge No. 94, I. O. O. F., of Victoria." Read first time and referred to Committee on State Affairs.

House bill No. 379, "An act to incorporate the Waco Insurance Company." Read first time and referred to Committee on State Affairs.

House bill No. 431, "An act to authorize Eli Bailey, of the town of Palestine, in the county of Anderson, to sell lager beer, ale and porter without license, for the term of five years." Read first time and referred to Committee on Judiciary.

House bill No. 403, "An act to authorize and require the Governor to lease the State Penitentiary, together with the labor of the convicts therein," read first time.

On motion of Senator Bell, the rules were suspended, and House bill No. 403 read second time.

Senator Dohoney moved that House bill No. 403 be made the special order for Monday next at 11 o'clock, A. M., and one hundred copies be printed, which motion was adopted.

BILLS AND RESOLUTIONS.

By President Campbell: A bill (Senate bill No. 256) to be entitled "An act to incorporate the Board of Fund Commissioners of the Trinity Conference Methodist Episcopal Church South," read first time and referred to the Committee on State Affairs.

Senator Gaines offered the following resolution:

Resolved, That all the officers and employés of this Senate are hereby discharged from service from and after this date, with the following exceptions, viz: the Secretary and his assistants, the Sergeant-at-Arms and his first assistant, the Doorkeeper and his first assistant, and two pages.

Senator Mills moved to lay the resolution on the table, upon which motion the yeas and nays were called for and carried by the following vote:

Yeas—Mr. President, Bell, Dillard, Douglass, Flanagan, Ford,

Fountain, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pickett, Pridgen, Rawson, Ruby, Saylor, Tendick—18.

Nays—Baker, Bowers, Braughton, Cole, Dohoney, Evans, Gaines, Latimer, Pettit, Pyle, Shannon—11.

By Senator Pridgen: a bill (Senate bill No. 257) to be entitled "An act to extend the time for the location and survey of certain land certificates." Read first time and referred to the Committee on Public Lands.

By Senator Cole: a bill (Senate bill No. 258) to be entitled "An act to authorize Matthew Armstrong, his associates and successors to construct and keep a toll bridge on White Oak creek." Read first time and referred to the Committee on Roads, Bridges and Ferries.

By Senator Shannon: a bill (Senate bill No. 259) to be entitled "An act to incorporate the Lebanon High School, in Collin county, Texas." Read first time and referred to Committee on Education.

By Senator Shannon: a bill (Senate bill No. 260) to be entitled "An act to prohibit the sale of ardent spirits and other intoxicating liquors within certain limits of Lebanon High School, in Collin county, Texas." Read first time, and referred to Committee on Education.

10:30 o'CLOCK A. M.

The hour having arrived for the consideration of the special order, House bill No. 115, "An act to regulate the keeping and bearing of deadly weapons."

The Senate resolved itself into Committee of the Whole.

IN SENATE.

Senator Fountain, Chairman of the Committee of the Whole, having under consideration House bill No. 115, reported progress, asked leave to sit again, as soon as the subject matter before the Senate was disposed of.

Report received and leave granted.

11 o'CLOCK A. M.

The hour having arrived for the consideration of the special order, Senate bill No. 166, "An act to establish a system of public free schools in the State of Texas," on motion of Senator Ruby, the special order was postponed until the action of the Committee of the Whole on House bill No. 115.

The Senate resolved itself into Committee of the Whole to consider House bill No. 115.

IN SENATE.

Senator Fountain, Chairman of the Committee of the Whole, having under consideration House bill No. 115, reported the bill

back with the following amendments, and asked to be discharged from the further consideration of the same:

Amend section one by striking out in line three the words "having or," and inserting in the same line, after the word "carrying," the words "on or."

Amend section one by inserting in line five, after the word "spear," the words "brass knuckles" in parenthesis.

Amend section one by striking out in line nine all after the word "person" down to and including the word "property," and insert in the same place the words "and that such ground of attack shall be immediate and pressing."

Amend section one by inserting after the word "same," in line eleven, the words "on or."

Amend section one by inserting in line twelve, after the word "State" the words "as a militia man in actual service."

Amend section one, line thirteen, by inserting after the word "officer," "or policeman."

Amend section one, line nineteen, by inserting after the word "on" the words "or about."

Amend section one, line twenty, by striking out after the word "offense" the word "shall," and substituting the word "may" in lieu thereof.

Amend section one by adding thereto: "*Provided*, that this section shall not be so construed as to prohibit any person from keeping or bearing arms on his or her own premises, or at his or her own place of business; nor to prohibit sheriffs, or other revenue officers, and other civil officers, from keeping and bearing arms while engaged in the discharge of their official duties; nor to prohibit persons traveling in the State from keeping and carrying arms with their baggage.

Amend section three, in line twenty-eight, by striking out the word "shall," and insert the word "may."

Section three: amend by striking out the words "less than," in line thirty, and the words "thirty nor," in line thirty-one.

Section three: amend by striking out the words "or other fire arms," in line seventeen.

Section three: amend line eighteen, by inserting, after the word "spear," the words "brass knuckles."

Section five: amend by striking out, in line eight, the words "police or,"

Section six: amend by striking out, in line six, the word "him," and inserting in lieu thereof "such person."

Report received and the committee discharged.

Senator Ruby submitted the following report of the Committee on Engrossed Bills:

COMMITTEE ROOM,
AUSTIN, March 17, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 93, "An act to incorporate the Leon Bridge Comprny;" No. 97, "An act authorizing Thomas C. Reedy to erect a toll bridge over the Cow Leach Fork of Sabine river, in Hunt county, Texas;" No. 160, "An act to incorporate the Galveston Agricultural, Horticultural and Industrial Association;" No. 130, "An act to prohibit the sale of intoxicating or spirituous liquors in the immediate vicinity of the town of Circleville, Williamson county, Texas;" No. 201, "An act to authorize the County Court of Robertson county to levy and collect a special tax, for the term of two years, to build a court house and jail at Calvert, the county seat of said county;" No. 206, "An act to incorporate the town of San Eleceario, in El Paso county;" and No. 228, "An act for the relief of Thomas G. Davidson," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Report read and received.

By leave, Senator Flanagan introduced the following petition: Petition of John G. Boyle.

Special order, Senate bill No. 166. On motion of Senator Saylor, the special order was postponed for the consideration of the petition of John G. Boyle. Petition read and referred to the Committee on Judiciary.

Message from the House by the Chief Clerk transmitting for signature of the President the following enrolled House bills:

House bill No. 165, "An act for the relief of the estate of Thos. Carothers, deceased."

House bill No. 84, "An act to incorporate the San Antonio Jockey Club."

Also informing the Senate that the House had passed the following Senate bills:

Senate bill No. 66, "An act to incorporate the Callahan Cotton and Seed Oil Manufacturing Company of Hempstead, Texas."

Senate bill No. 108, "An act to incorporate the Navasota, Washington and Brazos Bridge Company."

Senate bill No. 136, "An act to incorporate the Pine Islands Bayou Bridge Company."

SPECIAL ORDER.

Senate bill No. 166.

Senator Fountain moved to postpone the special order, Senate bill No. 166, until the action of the Senate on the committee amendments to House bill No. 115.

Senator Flanagan moved to adjourn to 3 o'clock, P. M.

Yeas and nays called for, and lost by the following vote:

Yeas—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pickett, Pyle, Shannon—12.

Nays—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—17.

The question recurring on the motion to postpone the special order, it was adopted.

On motion of Senator Fountain, the amendments reported by the Committee of the Whole to House bill No. 115 were adopted.

Senator Parsons offered the following amendment: Amend section one, line 38, strike out all after the word "duties."

Senator Pettit offered the following substitute to the amendment: Strike out, in section one, all after the word "duties," in line thirty-eight, and insert "nor to prohibit persons from transporting arms as merchandise or as baggage."

Substitute lost.

The question recurring on the adoption of the amendment of Senator Parsons, yeas and nays called for, and lost by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Rawson, Ruby, Tendick—14.

Nays—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Fountain, Latimer, Pickett, Pyle, Saylor, Shannon—14.

Senator Ford offered the following amendment: Add to line forty, section one, the words "and saddle-bags, carpet-sacks, satchels and valises shall not be considered as baggage."

Senator Fountain offered the following substitute to the amendment of Senator Ford: Section one, line three, after the word "person" "saddle, or in his saddle-bag."

Senator Pyle moved to adjourn to 10 A. M., to-morrow, which motion was lost.

The question recurring on the amendment to the amendment,

Senator Ruby made the point of order that the amendments were not in order, one amendment having been submitted and adopted and another amendment offered and rejected.

Senator Bowers moved to adjourn to 3 o'clock P. M.

Senator Mills moved to amend by inserting 10 A. M., to-morrow, which motion was lost.

The question recurring on the motion to adjourn to 3 o'clock P. M., the motion was lost.

Senator Bell moved to reconsider the vote adopting the amendments to House bill No. 115, reported by the Committee of the Whole.

Yeas and nays called for and resulted as follows :

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Rawson, Ruby, Tendick—16.

Nays—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Pickett, Saylor, Shannon—12.

Motion to reconsider adopted.

Senator Pickett moved to adopt the amendments reported by the Committee of the Whole.

Senator Bowers moved to make House bill No. 115 the special order for 10:30 A. M. to-morrow, which motion was adopted.

Senator Mills moved to adjourn to 10 A. M., to-morrow, which motion was adopted, and the Senate adjourned to 10 A. M. to-morrow.
